

REMARKS

Claims 16 and 19-26 are presented for consideration, with Claim 16 being independent.

Initially, Applicant notes with appreciation that Claim 16 has been indicated as containing allowable subject matter. Based on this indication, Claim 16 has been amended to include the features of parent Claim 1, with the exception of not setting forth that the resistance layer is continuously arranged between a surface of a liquid layer side of the first electrode and a surface of the liquid layer side of the second electrode. This feature is now set forth in new Claim 20. Nonetheless, it is submitted that Claim 16, which is directed to an electrophoretic display device that includes, among other features, a resistance layer electrically connecting the first electrode and the second electrode and comprising an indium tin oxide film, is allowable.

Dependent Claims 19-26 depend either directly or indirectly from Claim 16 and thus are also submitted to be allowable. In that regard, Claims 21 and 22 are based on Claims 3 and 4, respectively, which have been cancelled, and support for Claims 23-26 can be found, for example, on page 20, line 13 through page 21, line 25, of the specification, and in Figure 6. Claims 5-7, 15, 17 and 18 have also been cancelled.

Claims 1, 3, 5, 7, 18 and 19 are rejected under 35 U.S.C. §103 as allegedly being unpatentable over Endo (WO '647) in view of Ikeda '385. Claim 4 is rejected as allegedly being obvious over Endo and Ikeda as applied to Claim 1, and further in view of Lindsay '497 and Swidler '833. Claim 6 is rejected as allegedly being obvious over Endo and Ikeda as applied to Claim 1, and further in view of Uno '883. Claim 15 is rejected as allegedly being obvious over Endo and Ikeda as applied to Claim 1, and further in view of Hayase '581. Finally, Claim 17 is rejected as allegedly being obvious over Endo and Ikeda as applied to Claim 1, and further in view of Yamada '079.

Without conceding the propriety of these rejections and in order to expedite prosecution of the subject application, Claims 1, 3-7, 15, 17 and 18 have been cancelled. These rejections are therefore deemed to be moot and should be withdrawn.

Thus, it is submitted that Applicant's invention as set forth in independent Claim 16 is patentable over the cited art. In addition, dependent Claims 19-26 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicant
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200

SDM/enn

FCIS_WS 6235202v1.doc